

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Chesbro

February 20, 2013

An act to amend Sections 206 and 207 of, and to add Sections 7652.4 and 7652.5 to, the Fish and Game Code, relating to the Fish and Game Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as introduced, Chesbro. Fish and Game Commission: salmon and groundfish.

(1) The California Constitution creates the Fish and Game Commission. Existing law establishes the commission in the Natural Resources Agency to perform specified functions. Existing law requires the commission to hold no fewer than 10 regular meetings per year, if the commission has adequate funding for related travel, including funding for department travel, with no more than 3 regular meetings to be held in Sacramento per year. Existing law requires the commission to cause the notice of the schedule for regular meetings, and notice of any change in the date and location of a meeting, to be disseminated to the public in a manner that will result in broad dissemination, including, but not limited to, electronic distribution, mailings to interested parties, and publication in local newspapers of the affected communities.

This bill would reduce the number of regular meetings per year to 8 and would delete the limitation that no more than 3 regular meetings be held in Sacramento per year. The bill would delete the requirement that the broad dissemination of the notices regarding meetings be achieved in a specific manner.

(2) Existing law requires the commission, except for emergency regulations, to consider and adopt regulations at a series of no fewer than 3 meetings and requires that these meetings whether regular or special meetings to be duly noticed to the public in accordance with specified provisions of state law. Existing law provides that at the 3rd meeting the commission may choose to hear additional public discussion regarding the regulations it intends to adopt and requires that either at that meeting or within 20 days after that meeting, the commission add, amend, or repeal regulations relating to any recommendation received at the initial meeting it deems necessary to preserve, properly utilize, and maintain each species or subspecies.

This bill would delete the 20-day period after the 3rd meeting during which the commission would have been authorized to add, amend, or repeal regulations.

(3) Existing law authorizes the commission to annually adopt regulations, as specified, pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the Migratory Bird Treaty Act. Existing law provides that migratory game birds may be taken in conformity with federal laws and regulations and the regulations of the commission, as specified, and, if no regulations are prescribed by the proper federal agency, authorizes the commission to determine and fix the area or areas, the seasons and hours, the species, the bag and possession limits, and the total number that may be taken during any open season for the taking of migratory game birds, under such rules and regulations as the commission may prescribe.

This bill would add similar provisions that would authorize the commission to annually adopt regulations, as specified, pertaining to salmon and groundfish to conform with or to further restrict the rules and regulations prescribed pursuant to the federal Magnuson-Stevens Fishery Conservation and Management Act and the Pacific Fishery Management Council established pursuant to that act or its successor agency. The bill would also add similar provisions that authorize the commission to determine and fix the area or areas, the seasons and hours, the species, the bag and possession limits, and the total number that may be taken during any open season for the taking of salmon and groundfish, as specified, if no regulations are prescribed by the proper federal agency.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 206 of the Fish and Game Code is amended to read:

206. (a) The commission shall hold no fewer than ~~10~~ *eight* regular meetings per calendar year, if the commission has adequate funding for related travel, including funding for department travel. The commission may also hold special meetings or hearings to receive additional input from the department and the public.

(b) The commission shall announce the dates and locations of meetings for the year by January 1 of that year, or 60 days prior to the first meeting, whichever comes first. Meeting locations shall be accessible to the public and located throughout the state, ~~with no more than three regular meetings to be held in Sacramento per year.~~ To the extent feasible, meetings shall be held in state facilities. In setting the dates and locations for regular meetings, the commission shall also consider the following factors:

(1) Recommendations of the department.

(2) Opening and closing dates of fishing and hunting seasons.

(3) The schedules of other state and federal regulatory agencies whose regulations affect the management of fish and wildlife of this state.

(c) The commission shall cause the notice of the schedule for regular meetings, and notice of any change in the date and location of a meeting, to be disseminated to the public in a manner that will result in broad dissemination, ~~including, but not limited to, electronic distribution, mailings to interested parties, and publication in local newspapers of affected communities dissemination.~~

SEC. 2. Section 207 of the Fish and Game Code is amended to read:

207. (a) Except for emergency regulations, the commission shall consider and adopt regulations pursuant to Sections 203 and 205 at a series of no fewer than three meetings. These meetings may be regular or special meetings that are duly noticed to the public in accordance with subdivision (c) of Section 206 and the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

1 (b) At the first meeting, the commission shall receive
2 recommendations for regulations from its own members and staff,
3 the department, other public agencies, and the public.

4 (c) At the second meeting, the commission shall devote time
5 for open public discussion of proposed regulations presented at
6 the first meeting. The department shall participate in this discussion
7 by reviewing and presenting its findings regarding each regulation
8 proposed by the public and by responding to objections raised
9 pertaining to its proposed regulations. After considering the public
10 discussion, the commission shall announce, prior to adjournment
11 of the meeting, the regulations it intends to add, amend, or repeal.

12 (d) At the third meeting, the commission may choose to hear
13 additional public discussion regarding the regulations it intends to
14 adopt. ~~At the meeting or within 20 days after the meeting,~~ the
15 commission shall add, amend, or repeal regulations relating to any
16 recommendation received at the initial meeting it deems necessary
17 to preserve, properly utilize, and maintain each species or
18 subspecies.

19 (e) Within 45 days after adoption, the department shall publish
20 and distribute regulations adopted pursuant to this section.

21 SEC. 3. Section 7652.4 is added to the Fish and Game Code,
22 to read:

23 7652.4. (a) The commission may, annually, adopt regulations
24 pertaining to salmon and groundfish to conform with or to further
25 restrict the rules and regulations prescribed pursuant to the federal
26 Magnuson-Stevens Fishery Conservation and Management Act
27 (16 U.S.C. Sec. 1801) and the Pacific Fishery Management Council
28 established pursuant to that act or its successor agency.

29 (b) Regulations adopted under this section are not subject to
30 Sections 11343.4, 11346.1, 11346.4, and 11346.8 of the
31 Government Code.

32 (c) Any regulation of the commission adopted pursuant to this
33 section shall be filed with the Secretary of State, and shall become
34 effective upon filing unless otherwise specified in the regulations.

35 SEC. 4. Section 7652.5 is added to the Fish and Game Code,
36 to read:

37 7652.5. (a) Salmon and groundfish may be taken in conformity
38 with the federal laws and regulations and the regulations of the
39 commission as provided in Section 7652.4.

1 (b) In the event no regulations are prescribed by the proper
2 federal agency, the commission may determine and fix the area or
3 areas, the seasons and hours, the species, the bag and possession
4 limits, and the total number that may be taken during any open
5 season for the taking of salmon and groundfish, under rules and
6 regulations as the commission may prescribe. The rules and
7 regulations adopted by the commission pursuant to this section
8 shall have the same effect as if enacted by the Legislature.

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